

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BRYAN WHITLOW,

Petitioner,

-vs-

WARDEN, Lebanon Correctional
Institution,

Respondent.

:

Case No. 1:05-cv-716

:

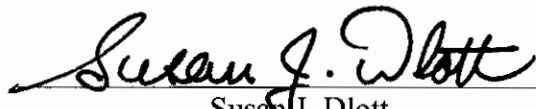
District Judge Susan J. Dlott
Chief Magistrate Judge Michael R. Merz

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on December 14, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition for writ of habeas corpus be denied. Since reasonable jurists would not disagree with this conclusion, Petitioner is denied the right to appeal *in forma pauperis* and any requested certificate of appealability.

December 28, 2006.


Susan J. Dlott
United States District Judge